

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America)
v.)
George William WHITTINGTON) Case No: 20-1939 MJ
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of November 20, 2020 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 18 U.S.C. §758(High Speed Flight from Immigration Checkpoint), an offense described as follows:

flee or evade a checkpoint operated by a Federal law enforcement agency, in a motor vehicle and fled Federal, State, or local law enforcement agents in excess of the legal speed limit

This criminal complaint is based on these facts:

On November 20, 2020, Border Patrol Agents (BPAs) assigned to the U.S. Border Patrol checkpoint on Interstate 10, west of Las Cruces, New Mexico encountered a white Toyota Camry. The vehicle entered the primary inspection area for inspection. BPA immediately noticed an odd odor coming from inside the vehicle. BPA greeted the four occupants and asked them as to their citizenship. The four occupants stated they were all U.S. citizens. BPA asked the driver, later identified as DEFENDANT WHITTINGTON, George William where they were coming from. DEFENDANT WHITTINGTON stated he was coming from Houston, Texas and was en route to California. BPA asked them how they were all related. The passenger advised DEFENDANT WHITTINGTON was his cousin and he was the brother of the rear passengers.

Continued on the attached sheet.



Complainant's signature

Ruben Gallegos, Agent

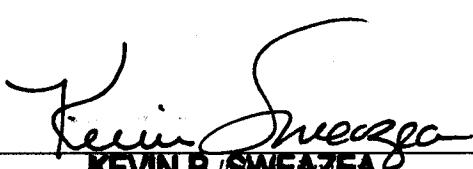
Printed name and title

Telphonically

Sworn to before me and signed in my presence.

Date: November 23, 2020

City and state: Las Cruces, N.M.



KEVIN R. SWEENEY

U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

George William WHITTINGTON

Continuation of Statement of Facts:

BPA questioned them about their stay in Houston, Texas to which DEFENDANT WHITTINGTON stated they were there four days but didn't have any luggage. BPA then asked DEFENDANT WHITTINGTON if they had any drugs, weapons, or large amounts of cash. DEFENDANT WHITTINGTON in a very nervous tone of voice said that they did not. Due to their odd story and odor, BPA asked for consent to perform a canine inspection of the vehicle. DEFENDANT WHITTINGTON informed BPA that he really needed to go on his way and further asked BPA why he wanted to search the vehicle. BPA informed DEFENDANT WHITTINGTON he could smell an odd odor coming from the vehicle and instructed DEFENDANT WHITTINGTON to pull into the secondary area for further investigation.

DEFENDANT WHITTINGTON proceeded to the secondary area but he suddenly accelerated away at a high rate of speed. BPAs immediately boarded their assigned government vehicles, activated their vehicle's emergency lights and sirens and began to pursue the vehicle westbound on Interstate 10. BPAs reached speeds up to 120 miles per hour in the attempt to catch up to the suspect's vehicle. During the pursuit, DEFENDANT WHITTINGTON made a few dangerous maneuvers to avoid traffic, in three separate occasions DEFENDANT WHITTINGTON passed other vehicles on the shoulder of the interstate. DEFENDANT WHITTINGTON exited the interstate at the mile marker 102 and continued west on the frontage road, north of Interstate 10. The frontage road is very narrow and not well maintained and BPAs reached speeds up to 100 miles per hour. DEFENDANT WHITTINGTON came to a dead end and wrecked into a barbed wire fence. All four subjects exited the vehicle and absconded the scene. It was determined a few minutes later they had all crossed Interstate 10 to the south side of the highway. Air support spotted all four subjects about 2 miles south of Interstate 10, in the desert and then they stopped running and gave up. Air support held them there until BPAs arrived shortly to apprehend all subjects. All four subjects were transported to the Interstate 10 checkpoint for further investigation and processing. BPA conducted a canine inspection of the vehicle with his government issued canine. After the canine alerted to the vehicle BPA conducted a thorough search which revealed a small bag of green leafy substance residue, suspected to be marijuana. No other contraband was located.

During a post Miranda interview, DEFENDANT WHITTINGTON stated that as he was driving the vehicle into the secondary inspection area, one of the passengers informed him the three of them were runaways who had fled from a halfway house in California. He further stated another passenger informed DEFENDANT WHITTINGTON he had personal amounts of Marijuana on his person and therefore decided to flee from the Checkpoint at a high rate of speed to avoid apprehension by BPAs. Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Continuation of Statutory Language:



A handwritten signature in black ink, appearing to read "Ken Sweeney". It is written in a cursive style with a horizontal line underneath.

Signature of Judicial Officer



A handwritten signature in black ink, appearing to read "S". It is written in a cursive style with a horizontal line underneath.

Signature of Complainant

Gallegos, Ruben

Filing Agent